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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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10 LLC WHOLESALE SUPPLY, L.L.C.,) **2:11-CV-01474-JCM-RJJ**
11)
12 VS.)
13 UNITED STATES)
14 DEFENDANT.)
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16 The United States, by and through the undersigned, respectfully requests that the
17 Court grant a two (2) week extension to file a response to Plaintiff LLC Wholesale Supply, LLC's
18 ("Wholesale Supply") Motion for Return of Property ("Plaintiff's Motion") (Doc. No. 1). A
19 response currently is due September 30, 2011.

20 **Points and Authorities**

21 In January 2011, United States Magistrate Judge Peggy Leen authorized the search and
22 seizure of items from FMC/Drogueria De La Villa, 4145 Wagon Trail Avenue in Las Vegas, pursuant
23 to a written search warrant. As alleged in the search warrant affidavit, the request for the search
24 warrant arose out of two consolidated investigations by the Food and Drug Administration - Office
25 of Criminal Investigations ("FDA-OCI") relating to a large scale drug diversion operation out of
26 multiple locations in Ponce, Puerto Rico, Arecibo, Puerto Rico, Knoxville, TN, Las Vegas, NV, and
Tempe,

1 AZ. Agents obtained and executed search warrants in these districts simultaneously.

2 Counsel for the United States understands that beginning in late July or early August
3 2011, the owners of the locations searched filed motions for return of property pursuant to Rule 41(f)
4 in each of the districts in which a search was executed. The District of Puerto Rico, one of the districts
5 in which this investigation emanated, has taken responsibility for coordinating the response to these
6 motions. The District of Nevada is uninvolved in this investigation other than assisting with the
7 search warrant here.

8 Yesterday, attorneys with the criminal division of the United States Attorney's Office
9 found out about the Plaintiff's Motion for the first time. They promptly reached out to attorneys in
10 the District of Puerto Rico, who confirmed that they intend on preparing a response to Plaintiff's
11 Motion, but would like a brief continuance in order to review the positions taken. Accordingly, the
12 United States respectfully requests that the Court grant a two (2) week extension to respond to
13 Plaintiff's Motion.

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Conclusion

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For all of the foregoing reasons, the United States respectfully requests that the Court
GRANT a two (2) week extension for the United States to respond to Plaintiff's Motion.

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Respectfully submitted,
DANIEL G. BOGDEN
United States Attorney

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/s/ Crane M. Pomerantz
CRANE M. POMERANTZ
Assistant United States Attorney

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Dated: September 28, 2011.

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IT IS SO ORDERED.

Robert J. Johnson
UNITED STATES MAGISTRATE JUDGE

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